



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in the application of

NICK E. CIAVARELLA,
AARON R. REYNOLDS,
MARTIN O'TOOLE and
DETLEV FRANZ SMIT

Serial No. 10/692,906

Filed October 25, 2003

For UNIVERSAL COLLAR KEY

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Gaura Petrella
Secretary to Shannon V. McCue (Reg. No. 42,859).

DECLARATION OF NICK CIAVARELLA UNDER 37 CFR 1.132

Sir:

I, Nick E. Ciavarella, hereby declare that:

1. I am a resident of the state of Ohio, and am a co-inventor named on the above-captioned patent application, US Serial No. 10/692,906.
2. I am also a co-inventor named on US Design Patent No. D480,639, published October 14, 2003.
3. I have read the outstanding Office Action in the captioned patent application and understand that the Examiner has rejected claims 1-5 and 8-11 under 35 USC 102(e) as being anticipated by US Design Patent No. D480,639. In the rejection, the Examiner asserts that "Ciavarella et al. disclose, in figs. 1, 3, and 7 a collar comprising a body having a first flange and a second flange to define a clearance therebetween; one of flanges defining a notch; a bore formed in the collar and an attachment member; a hold (fig. 7) and a plurality of spaced tabs and a plurality of notches."

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4. The concept of providing a collar having a first flange and a second flange to define a clearance therebetween; one of the flanges defining a notch; a hold and a plurality of spaced tabs and a plurality of notches were first conceived and invented solely by me. To the extent that D480,639 discloses features claimed in the present application, these features were necessarily derived from me, and therefore were not the invention of another.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Nick E. Ciavarella

Date: December 29, 2006

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